

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In re:

USSUMANE BOQUE
Debtor

BK-08-10583
CHAPTER 13

MOTION TO DISMISS

John Boyajian, Trustee in the above-entitled matter, moves this Court to dismiss the within Chapter 13 proceedings. The basis for the Trustee's Motion is that this case was filed on March 3, 2008. On March 4, 2008, the Trustee wrote to the debtor informing him that the Bankruptcy Code provided that the first payment proposed under his Plan was due within thirty (30) days of the filing of his petition. 11 U.S.C. §1326(a)(1). As of the date of the filing of this Motion, the debtor has made 1 plan payment on April 14, 2008 which was returned for non-sufficient funds.

Because of the debtor's failure to make payments pursuant to 11 U.S.C. §1326(a)(1), the Trustee requests that this case be dismissed.

/s/_____
John Boyajian, Trustee
Boyajian, Harrington & Richardson
182 Waterman Street
Providence, RI 02906
Tel: (401) 273-9600
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Within ten (10) days after service as evidenced by the certification (twenty (20) days for U.S. Government officers and agencies thereof), and an additional three (3) days pursuant to Fed.R.Bank.P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an

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objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 528-4477. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that a copy of the within Motion to Dismiss was mailed, postage prepaid, to Ussumane Boque, 58 West Cole Street, Apt. #2, Pawtucket, RI 02860 and electronically mailed to Janet J. Goldman, Esq. at jgoldmanlawri@jggoldman.com on May 5, 2008.

/s/ Dana A. Westerkamp